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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,493

11/07/2006

Yves-Michel Malecot

20125 (428 PCT)

4559

31743 7590 09/17/2008

PATENT GROUP GA030-43
GEORGIA-PACIFIC LLC
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ATLANTA, GA 30303-1847

EXAMINER

CAMPOS, JR., JUAN J

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

09/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,493	Applicant(s) MALECOT ET AL.	
	Examiner Juan J. Campos	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-51 is/are pending in the application.
- 4a) Of the above claim(s) 36-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 26-35 in the reply filed on July 07, 2008 is acknowledged. The response is considered incomplete because new claim sheets (for indicating that the non-elected claims are cancelled, as discussed in the last response) were not provided with this response. However, in order to further prosecution of the application, an action on the merits of the elected claims appears below.

Specification

2. The disclosure is objected to because of the following informalities: The "Y" should be deleted and possibly replaced with "...". .

Appropriate correction is required.

Drawings

3. The drawings are objected to because figure 1 should be labeled as "Prior Art" because specification discloses that figure as prior art (See pages 11-12, in specification, lines 25-26 and line 1, respectively). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

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appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first strip being tapered (claim 31), visually reinforced by coloring (claim 33), mechanically reinforced by a supplemental element (claim 34), and first strip comprising an element joined onto a portion of an internal end of the sheet (claim 35). must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. **Claims 34 and 35** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 34, how is the first strip mechanically reinforced by a supplementary element? What is meant by a supplementary element? Is the element part of the roll or separate element connected to the roll? Regarding claim 35, what side of the internal portion of the sheet is the element connected to for this claim?

6. **Claim 35** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim does not claim where the element is joined onto a portion of an internal end of the sheet. For this action, any element connected to any internal end (or side) of the sheet will be considered as reading onto this claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 26-27 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Morand (US Patent 5,577,634).**

9. **Regarding claims 26-27 and 29-31,** Morand discloses a paper towel dispenser for dispensing toweling from inside diameter of roll that comprises of a roll 1 without a winding tube (see figure 1) of paper toweling (considered by the examiner of comprising one sheet 7 of non-moist flexible material formed by rolling a sheet) with a spiral tail 9 (or center unwinding strip) forming a projection along an axis (see figure 1) in relation to at least one part of at least one side of the roll (again see figure 1), the roll of paper toweling (or a flexible material is an absorbent fibrous material), the spiral tail 9 (or first strip) comprises a portion of an internal end of sheet (see figure 1) and is formed by crosswise folding on the axis of portion of the internal end (see the folds of the spiral tail 9 unfolding in figure 1), and the spiral tail 9 having lines of perforations 5a (or tapered ends of the first strip), also see column 2 line 63 through column 3 line 2.

10. **Claims 26-27, 29, 32 and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Larsson et al. (US Patent 4,760,970).**

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11. Regarding claims 26-27, 29, 32 and 34-35, Larsson et al. (from here on just referred to as Larsson) discloses a feeding out device for a material web withdrawable from a roll comprising of a roll 14 without a winding tube (see figures 1, 4-5) of paper web 21 (considered by the examiner of comprising one sheet of non-moist flexible material formed by rolling a sheet) with an end part 22 (or center unwinding strip) forming a projection along an axis (see figures 1, 4-5) in relation to at least one part of at least one side of the roll (again see figures 1,4-5), the roll 14 of paper web (or a flexible material is an absorbent fibrous material), the end part 22 (or center unwinding strip) comprises a portion of an internal end of sheet (see figures 1, 4-5), the end part 22 comprising an end portion (see and of end part sticking out of the roll 14 in figure 2) of the paper web projecting outward in relation to a deformation zone 26 (which has been provided by means by a groove or the like) made on the side of the roll (see figure 2) adjacent to the winding axis, the roll 14 where the end part 22 (or first strip) is mechanically reinforced by a U-formed spring wire 36 (or supplementary element, see figure 6), the roll 14, where the end part 22 (or first strip) comprises an bent arm 38 (or element) joined onto a portion of an internal end of the sheet, see figure 6. Also, see column 2 line 10 through column 3 line 31.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morand (US Patent 5,577,634).

14. Regarding claim 28, Morand discloses the device as discussed above in regarding claims 26-27 and 29-31. Morand does not disclose the spiral tail 9 (or center unwinding strip) having a length of between 0.3 and 20 cm. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to design, as a design choice, the spiral tail 9 (or center unwinding strip) to have a length of between 0.3 and 20 cm. The motivation for the design choice would be to choice how much material of the spiral tail is dispensed when a person pulls material from the feeding out device of Morand.

15. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. (US Patent 4,760,970).

16. Regarding claim 33, Larsson discloses the device as discussed above in regarding claims 26-27, 29, 32 and 34-35, Larsson does not disclose the end part 22 (or center unwinding strip) visually reinforced by coloring. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to design, as a design choice, the end part 22 (or center unwinding strip) to be reinforced by coloring. The motivation for the design choice would be to make is easier for a person to find the end part 22 when a person wants to withdraw material from the roll.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan J. Campos whose telephone number is (571) 270-5229. The examiner can normally be reached on 9am-4pm (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJC
/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3654